

Supreme Court, U.S.

FILED

AUG 29 1990

JOSEPH F. SPANIOL, JR.
CLERK

2

NO. 89-2022

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1989

MARK A. VOGEL - PETITIONER

VS.

MARK J. ELLIS - RESPONDENT

SUPPLEMENTAL BRIEF
TO THE SUPREME COURT OF OHIO

MARY A. VOGEL PRO-SE
351 W. FINLEY STREET
P.O. BOX 349
UPPER SANDUSKY, OH 43351-0349
PHONE (419) 294-2170

APPENDIX

PROBATE COURT, WYANDOT COUNTY, OHIO

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THIRD APPELLATE JUDICIAL DISTRICT

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IN THE COURT OF COMMON PLEAS, PROBATE DIVISION
WYANDOT COUNTY OHIO

Mary Ann Vogel,
Plaintiff Case No. 87077W
vs.
Kathlyn Thiel, et al., JOURNAL ENTRY
Defendants

This matter came on for hearing before the Court
on the Motion of David F. Bacon for Attorney Fees.

Based upon the evidence adduced and the arguments
of counsel the Court finds said Motion to be well-taken
and hereby awards David F. Bacon attorney fees in the
amount of \$3,615.00 to be paid by the estate of Goldie
M. Gottfried, deceased, and further the Court taxes the
court costs of this proceedings in the amount of
\$1,276.05 to the estate all of which shall be paid
forthwith.

PROBATE COURT
WYANDOT COUNTY, OHIO

FILED

FEB 15 9:40AM '89

JOHN G. HUNTER

JUDGE

John G. Hunter
JUDGE

THIS ENTRY CONSTITUTES A
FINAL APPEALABLE ORDER

File-stamped copy of above entry sent to David F. Bacon,
50 Court Street, Upper Sandusky, Ohio 43351, Attorney
for Kathlyn Thiel, and to Drew A. Hanna, 700 N. Main
St., P.O. Box 25, Bowling Green, Ohio 43402-0025, Att-
orney for Mary Ann Vogel, by regular mail on this 15th
day of February, 1989,

Betty V. Grossman
DEPUTY

COURT OF APPEALS
WYANDOT CO., OHIO
F I L E D
APR 19 1989
Ann K. Dunbar
CLERK OF COURTS
WYANDOT CO., OHIO

VOL.⁴³.....PAGE.¹.....

H A N N A & H A N N A
ATTORNEYS AND COUNSELORS
HANNA LAW BUILDING
700 NORTH MAIN STREET
P.O.BOX 25
BOWLING GREEN, OHIO 43402-0025
419-352-6501

November 7, 1989

MARY A. VOGEL
351 W. Finley
Upper Sandusky, Ohio 43351-1243

Peggy Baldwin
6375 Cemetary Road
Whitehouse, Ohio 43571

Richard Gottfried
2069 S. Dennison Drive
Toledo, Ohio 43614

Dear Folks:

Today I spoke with Dave Bacon. I have made demand upon him for an accounting as to the \$10,346.50 of Philip's money, which we have discussed; he has promised me a prompt response, and if I do not hear from him, I shall press this with him and with the Court.

I also discussed with Dave the sale of the contents of the house; he said he would check with Katy, but he believes she would have no objection; and if so, we will make immediate plans to sell the personal property however, before there is any sale, I shall review with you the proposed terms so that if any of you have any objections or suggestions, same can be adopted.

Dave would like to proceed with payment of the following bills:

Hospital bill	\$ 703.23
United Church Homes, Inc.	13,701.66

Obviously, I am thoroughly disenchanted with our so-called laws and with the manner in which this case has been handled. While I don't have the energy nor the desire to fight city hall, I have to admire Mary Ann's tenacity. Even though the battle between Mary Ann and Kate appears to be a long-standing vendetta, the facts of fraud and embezzlement by Kate Thiel are clear and should be dealt with on that level. Let's settle this farce.

Sincerely,

Peggy A. Baldwin

cc: Mary Ann Vogel
Suzette Sigrist
Richard Gottfried

MANDATE FROM THE COURT OF APPEALS

Revised code, Sec. 2505.36

The State of Ohio, Wyandot County. Court of Appeals

At a term of the Court of Appeals, within and for the County of in the State of Ohio, begun and held before

Hon. STEPHEN R. SHOW

Hon. EDGAR L. MILLER Presiding Judges,

Hon. JOHN R. EVANS

at Lima, Ohio on the 29th day of May

A. D. 19 ⁹⁰ among other proceedings then and there had by and before said Court, as appears by its Journal, were the following viz:

MARY ANN VOGEL

PLAINTIFF-APPELLANT

No. ...16-89-6... vs.

KATHLYN A. THIEL

DEFENDANT-APPELLEE

The court finds that the attorneys fees herein were incurred primarily to benefit appellee as a beneficiary and not as executrix and that said fees should therefore be borne by appellee and not the estate. Accordingly, the court finds that

judgment of your Court of Appeals in the cause of

MARY ANN VOGEL

PLAINTIFF-APPELLANT

vs.

KATHLYN A. THIEL

DEFENDANT-APPELLEE

WITNESS.....Ann K. Dunbar.....Clerk of our said
Court of Appeals, at.....Upper Sandusky....., Ohio
this.....27th.....day of.....June.....19.....90

Ann K. Dunbar

Clerk

Lydia G. Frey

Deputy

MARY A VOGEL
P O Box 349
Upper Sandusky OH 43351-0349

July 23, 1990

DREW A HANNA
P O Box 25
Bowling Green OH 43402-0025

DEAR DREW:

I am specifically sending you a letter dated July 15, 1990 from Peggy Baldwin, which you said you did not receive in the July 18, 1990 letter I sent you.

You were paid to go full speed ahead after the Will Contest to get Bank Financial Information and all Financial Information and take Court Action against Kathlyn A Thiel for Embezzlement, Concealment, in Possession of Stolen Property, and Misrepresentation. You did none of this!

Refer to your letter dated November 7, 1989. You did not follow through to get Phillip's Veterans Beneficiary Insurance Money in the amount of \$10,346.50 back into the Estate of Goldie M Gottfried, and also you did not follow through with the sale of the contents of the house. There is Proof of Embezzlement, Concealment, and Stolen Property right there.

Judge John G Hunter ordered Kathlyn A Thiel to pay back Medicare Fraud Money to the Estate of Phillip H Gottfried, which was Embezzled from the Guardianship of Phillip, to this day it has never been paid back. Judge Hunter also ordered Kathlyn to repay money to the Guardianship of Phillip when she illegally bought herself a Sauna Whirlpool and was audited by the Veterans Administration. These are on the Court Records. Would you call this Embezzlement? If Judge Hunter has told you there is no Embezzlement, it is nothing but

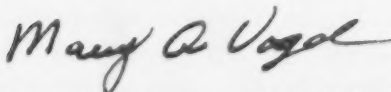
Collusion between the Judge and the other attorneys.

Judge John G Hunter cannot say there is no Embezzlements when the Financial Records have never been produced and investigated. They remain concealed. Without the Financial Records nothing can be Proven.

The June 29, 1990 Mandate from the Court of Appeals finds that the attorney fees were incurred primarily to benefit Kathlyn as a beneficiary and not as executrix and that said fees should therefore be borne by Kathlyn and not the Estate. Accordingly, the court finds that the probate court erred to the prejudice of Mary A Vogel by awarding attorney fees to Kathlyn. You advised us to drop the appeal. We saved the Estate \$3,840.00 by not doing so.

My letter of July 18, 1990 still stands. I suggest you send me the name, address, and telephone number of your Local Bar Association and also the name, address, and telephone number of your Malpractice Insurance. I not only Suggest it, I Demand it!

Cordially yours,



Mary A Vogel, Co-administrix of
the Estate of Goldie M Gottfried
Certified # P 065 833 115

cc: Richard E Gottfried
Suzette E Sigrist
Peggy A Baldwin

July 15, 1990

Dear Mary Ann,

Thank you for the copy of the mandate from the Court of Appeals reversing Judge Hunter's order for Grandma's estate to pay Kate's lawyer fees. I noted that the Appeals Court found prejudice toward you on the part of the Probate Court.

Regarding the pre-trial on July 27, I would like to state, on behalf of myself, my sister Suzette, and our cousin Dick, that under no circumstances should executrix fees be paid to Kate for a will that was proven fraudulent by a jury. I am Confident that no judge would place himself in jeopardy by ordering these fees paid. However, if this should occur we will have to seek another judgment from the Appeals Court. How sad that our Courts permit such waste of private and taxpayer's money--- not to mention alienation of voters!

Why hasn't Drew produced bank records and the estate contents for us? Last July 1989, at a meeting in Drew's office, he promised that these records and contents would be speedily produced. Do we have a Conflict of Interest here? If so, other measures to protect ourselves will have to be taken.

I apologize for this handwritten letter but my typewriter failed me, and I wanted to get my input to you before July 27.

Take Care and God Bless.

Love,

Peggy

IN THE PROBATE COURT OF WYANDOT COUNTY, OHIO

IN THE MATTER OF THE ESTATE * Case No. 87-077
OF Goldie M. Gottfried, *
Deceased. * MOTION

Attorney Drew A. Hanna has reached an impasse as to fees with his client herein, the co-Executor of the Estate, Mary A. Vogel. On July 13, 1990 Drew A. Hanna mailed to the Court his withdrawal as attorney for co-Executor, Mary A. Vogel. Further, on July 13, 1990, Drew A. Hanna notified the Court by letter of his withdrawal as attorney for Mary A. Vogel, co-Executor of this estate. Further, on July 13, 1990, Drew A. Hanna notified Mary A. Vogel as to his withdrawal as her attorney in these proceedings. On July 24, 1990, Drew A. Hanna called Judge Hunter for approval of the withdrawal tendered by Drew A. Hanna to the Court by letter of July 13, 1990. Judge Hunter suggested the filing of this Motion.

WHEREFORE Drew A. Hanna requests he be discharged as attorney for the co-Executor of this estate, Mary A. Vogel.

CERTIFICATE

Copy mailed to Attorney David Bacon and Mary A.
Vogel on July 24, 1990.

Drew Hanna
Drew A. Hanna (0000983)

LAW OFFICES, HANNA & HANNA, BOWLING GREEN, OHIO

IN THE PROBATE COURT OF WYANDOT COUNTY, OHIO

IN THE MATTER OF THE ESTATE * Case No. 87-077
OF Goldie M. Gottfried, *
Deceased. * ORDER

This comes on upon the Motion of Drew A. Hanna to withdraw as attorney for Mary A. Vogel, co-Executor of this estate.

IT IS ORDERED Drew A. Hanna is discharged as attorney for Mary A. Vogel, co-Executor of this estate.

JUDGE

LAW OFFICES, HANNA & HANNA, BOWLING GREEN, OHIO

H A N N A & H A N N A
ATTORNEYS AND COUNSELORS
HANNA LAW BUILDING
700 NORTH MAIN STREET
P.O. BOX 25
BOWLING GREEN, OHIO 43402-0025
419-352-6501

July 26, 1990

MARY ANN VOGEL
351 W. Finley
Upper Sandusky, Ohio 43351-1243

Dear Mary Ann:

I enclosed Motions I have today mailed to the Court.

If you wish anything added to these Motions, or if you wish anything else brought to the Court's attention at this time, please advise.

I will complete the hearings required by these Motions. Thereafter, if you wish further action taken, then it will be necessary for you to pay in full all fees incurred starting from February 16, 1988 through to the end of the hearings that will be scheduled in connection with the enclosed Motions; further, it will be necessary for you at that time to pay a reasonable retainer, as an advance, for whatever additional work you hire me to do.

At this time, it is not necessary for us to further debate our discussions of this month concerning the present fee dispute between us. However, be advised I am not waiving any of the unpaid fees and expenses set forth in my letter to you of June 22, 1990 in the sum of \$2,314.99. Further, by my re-entering this estate as your attorney, I AM NOT agreeing with your assertion that I have failed to perform legal work that I promised; in this regard, I stand by my enclosed letters to you of November 3, 1988 and November 15, 1988; this is all I have ever promised you;